THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 9904 of 2006

23.05.2006

Between:

Mekala Veera Venkata Subba Rao & others.

…Petitioners

And

The Asst.Commissioner of Endowments, Vijayawada & another.

….Respondents.

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 9904 of 2006

ORDER :

The Manager of 'Sri Kondalamma Talli Temple', Vemavaram village of Gudlavalleru Mandal, Krishna District, 2nd respondent herein, issued a tender notice dated 2.5.2006 inviting tenders and bids for assignment of various rights in the temple. 12.5.2006 was fixed as date of auction. The petitioners have participated in the

auction and claimed to have emerged as the successful bidders. It is also their case that they have deposited the amounts offered by them. The petitioners complain that even though their bids were accepted, the

2nd respondent issued a fresh notice of auction proposing to conduct it on 23.5.2006. The petitioners challenged the action of respondents.

Heard learned counsel for the petitioners and the learned Government Pleader for Endowments.

It is true that the petitioners have participated in the auction held on 12.5.2006 and have deposited the requisite amounts as contemplated under the auction notice. However, the respondents have reserved to themselves, the right to cancel any bids and offers and to invite fresh tenders in case the earlier bids were not satisfactory. It was in this context that a second tender notice was issued duly stating that the bids received by them in response to the earlier notice were not satisfactory. As long as the offer made by the petitioners did not give rise to any concluded contract, the petitioners cannot claim any vested right in the contract. At the same time, the limited rights that have accrued to the petitioners cannot be defeated by the mere fact that the second notice of auction was issued.

Having regard to the facts and circumstances of the case, the writ petition is disposed of directing that in case the petitioners are prepared to pay the amounts which are fetched in the second auction, the respondents shall assign the contract to the petitioners. However, if the highest bidder in the second auction comes forward with any higher figure, the bid confined to the petitioners and the highest bidder shall be conducted and the contract shall be assigned to the one who offers the highest amount. It is needless to observe that in case the petitioners are not inclined to avail the benefit of

above directions, the amount deposited by them shall be refunded without any deductions. No order as to costs.

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(L.NARASIMHA REDDY, J)

23rd May 2006

N.B:

Furnish copy in two days.

(B/o)

ajr/cvrk